

By: J. Johnson of Harris

H.B. No. 305

A BILL TO BE ENTITLED

AN ACT

relating to the release of certain inmates on medically recommended intensive supervision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 508.146, Government Code, is amended by amending Subsections (a), (b), and (e) and adding Subsection (a-1) to read as follows:

(a) An inmate other than an inmate who is serving a sentence of death or life without parole may be released on medically recommended intensive supervision on a date designated by a parole panel described by Subsection (e), except that an inmate with an instant offense that is an offense described in Article 42A.054, Code of Criminal Procedure, or an inmate who has a reportable conviction or adjudication under Chapter 62, Code of Criminal Procedure, may only be considered if a medical condition of terminal illness or long-term care has been diagnosed by a physician, if:

(1) the Texas Correctional Office on Offenders with Medical or Mental Impairments, in cooperation with the Correctional Managed Health Care Committee, identifies the inmate as being:

(A) a person who is 65 years of age or older [~~elderly~~] or terminally ill, a person with mental illness, an intellectual disability, or a physical disability, or a person who has a condition requiring long-term care, if the inmate is an inmate

1 with an instant offense that is described in Article 42A.054, Code
2 of Criminal Procedure; or

3 (B) in a persistent vegetative state or being a
4 person with an organic brain syndrome with significant to total
5 mobility impairment, if the inmate is an inmate who has a reportable
6 conviction or adjudication under Chapter 62, Code of Criminal
7 Procedure;

8 (2) the parole panel determines that, based on the
9 inmate's condition and a medical evaluation, the inmate does not
10 constitute a threat to public safety; and

11 (3) the Texas Correctional Office on Offenders with
12 Medical or Mental Impairments, in cooperation with the [~~pardons and~~
13 ~~paroles~~] division, has prepared for the inmate a medically
14 recommended intensive supervision plan that requires the inmate to
15 submit to electronic monitoring, places the inmate on
16 super-intensive supervision, or otherwise ensures appropriate
17 supervision of the inmate.

18 (a-1) An inmate who is not under a sentence of death or life
19 without parole and who does not have a reportable conviction or
20 adjudication under Chapter 62, Code of Criminal Procedure, or an
21 instant offense described in Article 42A.054, Code of Criminal
22 Procedure, may be released on medically recommended intensive
23 supervision on a date designated by a parole panel described by
24 Subsection (e) if:

25 (1) the inmate is 65 years of age or older; and

26 (2) the parole panel determines that the inmate does
27 not constitute a threat to public safety.

1 (b) An inmate may be released on medically recommended
2 intensive supervision under Subsection (a) only if the inmate's
3 medically recommended intensive supervision plan under Subsection
4 (a)(3) is approved by the Texas Correctional Office on Offenders
5 with Medical or Mental Impairments.

6 (e) Only parole panels composed of the presiding officer of
7 the board and two members appointed to the panel by the presiding
8 officer may make determinations regarding the release of inmates on
9 medically recommended intensive supervision under Subsection (a)
10 or (a-1) or of inmates released pending deportation. If the Texas
11 Correctional Office [~~Council~~] on Offenders with Medical or Mental
12 Impairments identifies an inmate as a candidate for release under
13 the guidelines established by Subsection (a)(1), the office
14 [~~council~~] shall present to a parole panel described by this
15 subsection relevant information concerning the inmate and the
16 inmate's potential for release under this section.

17 SECTION 2. This Act takes effect September 1, 2023.